

EUROPEAN PARLIAMENT

Working Documents

1980 - 1981

9 February 1981

DOCUMENT 1-835/80

Report

drawn up on behalf of the Political Affairs Committee

on the/violation of human rights in Guatemala**Rapporteur: Mrs I. van den HEUVEL**

The following documents were referred by Parliament to the Political Affairs Committee:

- on 16 November 1979, a motion for a resolution tabled by Mr SCHMID and others on the safeguarding of human rights in Guatemala (Doc. 1-530/79),
- on 21 May 1980, a motion for a resolution tabled by Mr COPPIETERS on the increasing terror, kidnappings and savage murders perpetrated on missionaries and development assistants in Guatemala (Doc. 1-172/80).

On 19 December 1979 the committee decided to draw up a report on the situation in Guatemala and on 23 January 1980 appointed Mrs van den HEUVEL rapporteur.

It considered the matter at its meetings of 21-23 October 1980 and 21-23 January 1981 and, at the latter meeting, adopted this report by 19 votes to 5 with 3 abstentions.

Present: Mr Rumor, chairman; Mr Estier, first vice-chairman; Mr Haagerup, third vice-chairman; Mrs van den Heuvel, rapporteur; Mr Aigner (deputizing for Mr Klepsch), Mr Antoniozzi, Mrs Baduel Glorioso (deputizing for Mr Segre), Mr Blumenfeld, Mr Fergusson, Mr Forth (deputizing for Sir James Scott-Hopkins), Mr Galluzzi (deputizing for Mr Berlinguer), Mrs Gredal, Mr Habsburg, Mr Hänsch, Mr von Hassel, Mr Israel (deputizing for Mr de la Malène), Mr van Minnen, Mr Lomas, Mr Pelikan (deputizing for Mr Cariglia), Mr Penders, Mr Prag (deputizing for Lady Elles), Mr Radoux (deputizing for Mr Faure), Mr Seefeld (deputizing for Mr Schieler), Mr Seitlinger, Mr Schall (deputizing for Mr Diligent), Mr Simmons (deputizing for Lord Bethell) and Mr Zagari

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A

The Political Affairs Committee hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on the violation of human rights in Guatemala

The European Parliament,

- having regard to the motion for a resolution on the safeguarding of human rights in Guatemala (Doc. 1-530/79),
- having regard to the motion for a resolution on the increasing terror, kidnapping and savage murders perpetrated on missionaries and development assistants in Guatemala (Doc. 1- 172/80),
- having regard to the report of the Human Rights Committee of the Organization of American States,
- having regard to reports by Amnesty International,
- having regard to the report by the Political Affairs Committee (Doc. 1-835/80),

1. Whereas

- despite the fact that the government of Guatemala has signed the American Convention of Human Rights and Conventions 87 and 98 of the ILO, trade union freedom does not exist in Guatemala and no protection is afforded to those who are striving to attain such freedom;
- there are constant reports of the murder, disappearance and torturing of leaders of opposition movements;
- the government of Guatemala is not merely failing to prevent such occurrences but, in a number of cases, appears to have been directly or indirectly involved in repression;

2. Expresses its abhorrence of the constant violation of human rights in Guatemala;

3. Appeals urgently to the governments of the Member States and to the Ministers of Foreign Affairs meeting in Political Cooperation:

- to protest to the government of Guatemala at such violations of human rights and to press for the immediate release of all political prisoners;

- to do everything in their power to improve the lot of the people of Guatemala and in particular to approach economic relations with Guatemala with the utmost caution;
- 4. Instructs its delegation for Latin America to direct its particular attention, in the context of its contacts with Latin American countries, to the situation in Guatemala ;
- 5. Instructs its President to forward this resolution to the governments of the Member States and to the Ministers of Foreign Affairs meeting in Political Cooperation.

EXPLANATORY STATEMENT

Introduction

- on 13 February 1980 Parliament adopted a resolution (Doc. 1-775/79 tabled by Mr Jaquet and others) condemning police action at the criminal burning of the Spanish Embassy in which 39 people died.
- On 16 November 1979, a resolution had already been tabled by Mr Schmid and others pursuant to Rule 25 of the Rules of Procedure; in this resolution great concern was expressed at the violation of human rights in Guatemala and in particular the murder of leading opposition figures such as, Alberto Fuentes Mohr and Manuel Colom Agrueta was condemned. (Doc. 530/79)

The rapporteur has naturally based this part of the report on the above pronouncements of the European Parliament, reports by the US State Department, compiled for the Foreign Affairs Committee of the House of Representatives and the Senate, Amnesty International reports, data concerning Guatemala provided by Oxfam's worldwide network of shops and information from the Guatemala committees existing in some of our Member States.

GUATEMALA

Guatemala is situated on the Central American isthmus joining North and South America.

It covers an area of 108,881 km² and, with a population of around 6.2 million, is the most densely populated state in Central America.

The population is made up of 60% Indians, 35% Mestizos i.e. of mixed white and Indian descent, and no more than 5% are completely white. An estimated 65% of the population is still illiterate. The bulk of the country is mountainous, with dozens of volcanos. The northern part is flat and covered with tropical forests. In this region are to be found mainly overgrown ruins of the old Maya cities with their pyramids. Only a few are still exposed and these form a major attraction for tourists who visit the country. The big plantations are situated in the fertile districts along the Pacific and Atlantic coasts.

Despite the fertile lowland plain and the mineral deposits (e.g. nickel and oil) most of the population is very poor. Because they need the money, many Guatemalans are forced to go and work for at least a few months a year

on the big plantations, where crops are grown almost exclusively for export. The major export products are coffee, sugar, cotton and bananas. Meat is also exported.

Ownership of the cultivable land is concentrated in the hands of a small group of people. The official 1964 census showed that 63% of this land was owned by 2% of the farming concerns, while 87% of all farming concerns owned 19% of the agricultural land.

Roughly 75% of the Guatemalans are campesinos (peasant farmers), who work their land on a subsistence basis, growing maize and frijoles (chilli beans), their staple food.

The official language is Spanish, but many Indians still speak their own languages. The major religion, Roman Catholicism, is still blended in various districts with the traditional religions.

Guatemala is a member of the United Nations and has signed the Inter-American Convention on Human Rights.

History

Guatemala's history begins long before the colonization by the Spaniards. Some centuries before our era, the basis of the Maya Empire was laid in the northern province of El Petan.

In its heyday - from 400 to 600 A.D. - this empire stretched from the southern part of Mexico to the Honduras and included nearly the whole of the present-day Guatemala.

There is still much that is not known about the Mayas, such as their alphabet, which has still not been completely reconstructed. Maya civilization was very advanced and was unequalled in the world at that time. The Mayas used the decimal system, built enormous temples and pyramids and were well versed in the secrets of astronomy. Their calendar, for instance, was as accurate as ours.

The question as to why this highly developed society collapsed has still not been satisfactorily answered but the fact is that when the Spaniards (conquistadores) entered the country the Maya civilization was only a shadow of its former self.

In 1524 the Spaniards conquered central America. When they found no gold in Guatemala, they took up farming. The country was divided into big haciendas on which the Indians were forced to work for very low pay. Cocoa and later indigo (a blue dye) were exported to Spain.

From 1811 to 1823 campaigns took place to secure independence from the Spanish crown. After the Declaration of Independence quarrels arose with the other provinces (present-day El Salvador, Honduras, Nicaragua and Costa Rica) and in the early forties the different republics came into being.

Rafael Carrere was the country's first dictatorial leader. Under his rule there was little social or economic progress for the majority of the population. Positions of power were occupied by land-owners, rich merchants and the church.

In 1871 a liberal revolution put an end to this conservative regime. Justo Rufino Barrios introduced a new constitution. He changed the system of land tenure, confiscated the church estates and encouraged the production and exportation of coffee. Many Indian communities lost the land which they had been cultivating up until then and were forced to go and work on the coffee plantations.

After Barrios' death there was a succession of different regimes led by military dictators. A new powerful class of coffee planters gradually merged with the older conservative aristocracy. The mainly accommodating attitude adopted during this time towards foreign investment, particularly from the United States, led to monopolies on the railways and in the banana cultivation.

In 1931 General Jorge Ubico came to power with the decisive support of the United States, a move which cut down the freedom of political organizations and trade unions. The country underwent a serious economic crisis and he piloted Guatemala through the difficult years by cooperating closely with the United States. In 1944 the military junta put an end to his power and introduced a new constitution.

The following year José Arévalo was elected president by an overwhelming majority. He encouraged economic growth, introduced various social reforms and managed to govern the country without the usual policy of oppression. Relations with the United States, however, deteriorated as a result of labour disputes at the United Fruit Company and other American firms. Under his successor, Colonel Jacobo Arbenz (1951-54) agricultural reforms were carried through, uncultivated land including U.F.C. land being expropriated at a contractually fixed price. These two governments were labelled pro-communist, mainly because of the increasingly nationalistic economic policies. In actual fact the Communist party was small and held only four of the 56 seats in the congress.

In June 1954 a small army of mercenaries and exiles led by Carlos Castillos Armas entered Guatemala and carried out a coup. Thousands of the President's followers were imprisoned, and most of the reforms were reversed.

President Carlos Castillos Armas and his successors Miguel Ydigoras Fuentes (1958-1963) and Colonel Enrique Peralta Azurdia (1963-1966) ruled mainly by decree. Although under these governments demonstrations were held from time to time by students and trade unions there was no violent opposition until the left-wing guerilla groups came into being at the end of Colonel Enrique Peralta Azurdia's regime.

The beginning of the official fight against terrorism

In 1966 guerilla groups began to be active in the provinces of Izabel and Zacapa in the north-eastern part of the country. Under President Mario Méndez Montenegro an intensive campaign was launched to wipe out the guerillas. Citizens were absorbed into the security forces in order to help distribute the first pamphlets of a new group known as 'MANO' (nationally organized anti-Communist movement). Six months later 20 groups of this kind had come into being. According to reports, during the period October 1966 to March 1968 between 3,000 and 8,000 people were killed in the Izabel/Zacapa district and the rural guerillas were virtually exterminated. In this the paramilitary citizens' groups played a large part. These groups also claimed responsibility for the increasing number of tortured and mutilated corpses found in the vicinity of the capital.

In November 1970, under the new President Colonel Arana Osorio, martial law was proclaimed and a second wave of persecutions began. Sources in Guatemala, such as the committee of relatives of missing persons, claim that between 1954 and 1980 more than 70,000 people disappeared or were murdered. During the first three years of President Arana's government it is alleged that the number of victims came to more than 15,000. In reply to requests from the Inter-American Commission for Human Rights for explanations from the Guatemalan government it was stated that 'no Government troops had been involved in the murders and that it was extremists killing one another off who were responsible for them'.

Under the present President, General Romeo Lucas Garcia, the ESA (secret anti-Communist army) in particular is very active. Despite this, opposition among the population is growing as can be seen from the existence of the National Committee of Trade Union Unity (CNUS), the 'Committee for Justice and Peace' and the 'Democratic front against repression'.

The National Committee for Trade Union Unity (CNUS) was set up in March 1976 following a dispute at the Coca Cola company over the illegal dismissal of 152 workers. 98% of all trade union organizations belong to the CNUS, which represents workers, peasant farmers, local authority workers, bank employees, teachers and journalists.

The Commission for Justice and Peace is an interdenominational group which sides with the people often against the views of the official church authorities. There are constant protests against murder attempts for which the army and the government are considered responsible. There have been advertisements protesting against, for instance, the murder of Manuel Colom Argueta, the popular opposition leader, the expulsion of a Spanish female missionary, the murder of the priest Hermogenes Lopez, the murder of the priests Walter Voordeckers and José María Gran and the abduction of the priest Conrado de la Cruz in May/June 1980.

The Democratic Front against Repression was set up by the CNUS, a trade union umbrella organization. 140 organizations which are actual or potential victims of repression have joined this front.

Review of the current situation

In theory Guatemala has a good constitution guaranteeing all the freedoms. For instance, there is compulsory primary education - but despite this 70% of the population is illiterate. Secondary schools and universities are attended exclusively by students from the privileged élite of the population.

According to information from the US State Department¹, the country's economy can be described as macroeconomically sound, with a per capita income of approximately \$910 in 1978. In the main, that kind of income is received by very few people.

The report states that 'large sectors of the population, including the Indians who constitute over 40 per cent of the population, are poor and have little access to health and education services. Mortality and morbidity rates are high and the adult illiteracy rate currently stands at 64 per cent. In the area of health, a high rate of maternal mortality has been associated with pregnancy and child-bearing. Effective methods of family planning are not widespread. Abortion, although forbidden under the penal code is common'.

This report also holds out the prospect of some improvement; 'There are significant elements within Guatemalan society and the Government who propose an expanded role for government in promoting equitable economic and social development. The 1979/83 National Development Plan is based on the transformation of the rural economy with emphasis on productive infra-structure, the extension of free health and education services through the ninth grade, and industrial decentralization into rural areas. Many new programmes were initiated with international financial support in agriculture, primary and

¹ Country Reports on Human Rights Practices for 1979

secondary education and rural health. While adequate shelter for the poor continues to be a major problem, ambitious programmes in low-cost housing were initiated with the support of A.I.D. and other international donors. Some 27,000 families are expected to benefit over the next few years from these programmes. Large tracts of government lands are also being opened up for colonization by the landless poor. The Guatemalan military provides substantial logistical and material support to this programme. Last year, more than 10,000 titles were issued. The Lucas government has continued its predecessor's encouragement of an important rural cooperative movement, and recently established a cooperative development institute for promotion, training and technical assistance. The central budget, in general, and public investment in particular, are growing rapidly. 78 per cent of the Agriculture Ministry's expenditures was earmarked for the rural poor in 1978 compared with 30 per cent in 1974. Such corruption as exists does not appear to have diverted significant resources from ongoing development programmes.'

Against this optimism must be placed Amnesty International's memorandum in which a conversation held in October 1979 with Indian peasant farmers from San Miguel Uspatan, in the northern district of Quiché was published.¹

Amnesty International published this conversation on 8 February 1980 and was then forced to report that in the meantime seven of the nine peasant leaders had disappeared and been found murdered.

In the report of this conversation Amnesty International refers to the fire at the Spanish Embassy (see EP Resolution No. 1-775/79) on 31 January 1980, when an Indian delegation which had come to the capital to protest against these murders and demand the withdrawal from Quiché of the troops who were responsible for the torturing, murders, and disappearance of Indian leaders, tried to get the Ambassador Maximo Cajal y López to mediate.

What followed is well known; the police attacked the embassy, 39 people were killed including a number of members of the staff of the Spanish Embassy and two former Guatemalan ministers, the ex-Vice-President Eduardo Caceres and the ex-Minister for Foreign Affairs, Adolfo Molina Orantes. The only member of the Indian delegation who survived the attack, Gregorio Yuja, was taken to hospital with mild burns, but was kidnapped and later found dead.

Another poignant story which seems to belie the optimism of the US State Department is the tale of an estimated 140 peasant farmers, women and children, in the small town of Panzos. Panzos is about 350 km from the capital, Guatemala City. Large sums of money have been invested there for a number of years by foreign oil and mining firms, as a result of which the value

¹ Amnesty International - Index AMR 34/08/80

of land in that area has risen sharply. The indications are that the big landowners are trying on a large scale to drive the peasant farmers from this region. On 29 May the peasant farmers from the area around Panzos, along with their families, went on a demonstration march to the town hall. They were protesting against the arrest of three of their representatives and against the fact that they were being driven from their land. In the centre of the town the big landowners from the area and army units were lying in wait for them. Without warning they opened fire on the men, women and children. Those who were not shot were drowned as they fled into the river Polochic, or were forced to flee into the neighbouring mountains. The news of the massacre sparked off a wave of protests throughout the country. In Guatemala City at least 20,000 demonstrators protested against the intervention by the army and demanded the resignation of the minister responsible, the Minister for Defence. The latter, however, refused to be held responsible and laid the blame on 'subversive elements, foreign agitators and the guerilla movement operating in the province concerned'. Priests and missionaries were also accused by him. He claimed that the peasants themselves started the violence, which - in view of the many children brought along - is doubtful, to say the least.

Position of the trade unions

In a report¹ that came out in July 1979, Amnesty International wrote with regard to the position of the trade union movement in Guatemala that, although amended after the coup in 1954, the first labour act, which had been passed in Guatemala in 1947, still in theory guaranteed the right to freedom of association and no government, no matter how opposed to the trade union movement, had felt able politically to revoke the basic provisions of this act. Instead, control was exercised in two ways: firstly, by violence and intimidation of the trade union leaders and their legal advisers and, secondly, by the partiality of the courts which deal with labour disputes: they had the power to declare any strikes legal or illegal and to grant legal status (personeria juridica) to individual unions. If these courts deferred their decisions - as was often the case - then a firm could dismiss organized workers without further ado. Guatemala had signed the relevant agreements - numbers 87 and 98 of the ILO (International Labour Organization), recognizing the right of freedom to form trade unions. The rights implied in this kind of freedom had, however, generally been withheld from workers in Guatemala.

¹ Amnesty International - Oppression of trade unions in Guatemala

Attempts have been made to form a trade union loyal to the government which will be the only one entitled to negotiate with the government regarding the new labour act (see below), but the increasing level of trade union activity makes it clear that the people will continue to demand the right to have free trade unions.

The official trade union - the CTF - which is closely linked with the military rulers, was expelled by a conference of the ICFTU (International Confederation of Free Trade Unions) on the basis of the Amnesty International reports. The same ICFTU Conference passed a resolution referring to the violation of human rights in Guatemala and in which all affiliated unions were asked to lodge complaints with the International Labour Organization concerning the situation in Guatemala.

The Amnesty International report referred to earlier¹ contains a sorry tale of intimidation, oppression and murder.

In a memorandum addressed to the Guatemalan Government in mid-November 1979 Amnesty International reported that a fact-finding mission to Guatemala had come to the following conclusion: 'to be a union leader or active member of a trade union in Guatemala today means risking one's life'.

In this memorandum Amnesty International called upon the Guatemalan Government to invite the Organization of American States to investigate the charge that the authorities were not prepared to stop the persecution and murder of trade union leaders, opposition politicians and student and peasant leaders. Amnesty International estimated that more than 2,000 people had been murdered for political reasons in the preceeding year and a half.

The Guatemalan Government rejected these charges and accused Amnesty International of being 'pro-Communist' and an 'agent of the British Crown'.

Very recently, however, (5 May 1980) the Dutch liberal-conservative newspaper 'NRC/Handelsblad' reported that once again the 12 corpses had been found of trade union members who had been abducted a week earlier. The police stated that the 12 men had been tortured before being shot dead.

At the same time the newspaper recounted the abduction without trace - according to the report - of 18 people from the headquarters of the national trade union.

In June 1980, in that very trade union building, which is only a few streets away from the national police headquarters, two trade union leaders were murdered and 25 abducted by heavily armed men. During the 1 May demonstrations

¹ Amnesty International - Oppression of trade unions in Guatemala

more than 100 demonstrators were abducted. Their badly mutilated bodies were found later. Here again it must be pointed out that the police and army were present in force at the 1 May demonstrations in the centre of the capital. According to Guatemalan newspaper reports an average of thirty bodies of murder victims were brought each day to one hospital alone in the month of June.

Eleven relatives of the trade union leader Rodolfo Ramirez, the Secretary-General of the construction workers' trade union, who was murdered along with his wife, have - again according to the same report - sought refuge in the Venezuelan Embassy.

The new labour act

As part of the new policy referred to by the State Department, the Minister for Labour, Carlos Alarcón Monsanto, promulgated a new labour act, which was to come into force on 1 May 1980, but has since been suspended. In practice, the effect of this new law can only be slight since, to benefit from the provisions of this law, it is necessary to be in permanent paid employment, and 80% of the peasant farmers (who make up more than 65% of the active population) are certainly not in that position. It should also be pointed out that in the lowland areas (partly as a result of mechanization), 20% of the population are unemployed and 54% have work for only part of the year.

In connection with this law a letter was sent in October 1979 by the CUC (Comité de Unidad Campesina) to the Minister for Labour, the text of which speaks for itself:

To the Minister for Labour
Mr Carlos Alarcón Monsanto

Sir,

The Agricultural labourers, organized in the Comité de Unidad Campesina - the CUC - hereby address themselves to you. We know that a new labour act (Código de Trabajo) is currently being prepared. We do not know who is drawing up this act. We, however, the campesinos who with the sweat of our brow produce the bulk of the wealth of this country, have never been asked for our opinion. It seems that the only contribution expected of us is our muscle power. We are considered unfit for anything else.

We have not had the opportunity to find out what is contained in the new act. We do not know whether it will be very different from the old act. We should therefore like to put forward a number of questions, although perhaps they are more doubts, based on the deplorable experiences we have had with the old labour act.

You know that the vast majority of the campesinos work on the big coffee, cotton, sugar-cane and banana fincas (plantations) and cattle ranches. The campesinos from the coast and the islands work on these fincas. Recently the finca bosses set themselves the target of getting rid of the permanent workers who live on the fincas ('rancheros') by means of unjustified and illegal dismissals. In this way the few remaining campesino trade union organizations are being destroyed. In one part of the south coast we have witnessed the partial or total destruction of the unions of the Pantaleón, Santa Rita, La Floreste, Magdalena, Xaté, San José Buena Vista, Popoyán and La Ceiba fincas. As a result of the mass dismissals of permanent workers the number of casual or temporary workers ('voluntarios') is steadily increasing. Along with the highland campesinos ('cuadrilleros') casual workers account for the vast majority of agricultural workers. To give one example, of the 36,000 sugar-cane workers at least 33,000 are 'voluntarios' or 'cuadrilleros'. This is a development which at the moment offers a lot of advantages to the finca bosses because in this way the 'voluntario' and 'cuadrillero' can be exploited even more cheaply. We do not receive a single cent in compensation if the finca bosses lay us off at the end of the harvest season. They give us no holidays or days off on feast-days. We have heard a lot of talk about the 'thirteenth month', which is supposed to be 100%, but what 'voluntarios' or 'cuadrilleros' receive a cent extra at the end of the year? Therefore we should like to ask you whether this situation will change with the new labour act?

On various fincas there are no IGSS (Guatemalan Institute for Social Insurance) facilities. If something happens to us during working hours we receive half-hearted treatment and are sent home. If we reach an age when we are no longer strong enough for the heavy work on the fincas then we are dismissed without any financial support. Will this situation change with the new labour act?

Those who work and live near the cotton fincas suffer year after year from the effects of the use of pesticides. The pesticides ruin the maize plots we have and kill our chickens and pigs. Many of our comrades have even been killed by the pesticides that are sprayed over us. We have protested on various occasions, but in vain. Will this situation change with the new labour act?

Out of pure necessity our wives are forced to come with us to look for work on the fincas. It is no longer uncommon to see women working on the coffee, cotton and sugar-cane harvest with newly-born children on their backs. When we speak to the finca bosses about women's rights during pregnancy and after giving birth, they only laugh. Will this situation change with the new labour act?

Newspaper reports of the accidents befalling campesinos year-in year-out at the time when they are transported to the fincas are no longer a surprise to anyone. There are so many campesinos that the death of some of them does not have a negative effect on production. Not once has the government taken real, effective measures to put a stop to the murder of campesinos as a result of this inadequate and inhuman traffic. Will this situation change with the new labour act?

The circumstances under which we have to live and work during the period that the 'cuadrilleros' are on the fincas beggars description. We are herded into dormitories without water, light or WCs, crawling with insects and where disease is rife. A large number of our sons, who accompany us on our journey to the coast, die. Our inhuman treatment sometimes makes us envious of the attention paid to the animals on the fincas. Will this situation change with the new labour act?

Every year the 'cuadrilleros' and the 'voluntarios' are without work for a number of months. After the harvest comes the time of even greater hunger and misery. The problem of the shortage of work is becoming increasingly serious. This is above all attributable to the fact that the finca bosses grow only crops for export and also to the increasing mechanization in rural areas. We are not opponents of progress but under the present circumstances a single machine deprives 200 or 300 campesinos of work. Will this situation change with the new labour act?

We know that the present labour act contains an article whereby the campesinos may strike in order to defend their rights, except during the harvest. This means that we are entitled to strike in those periods when we have no work. It is hard to imagine a greater mockery than that. Will this situation change with the new labour act?

Finally, we should like to refer to the other aspect of exploitation and repression. Wherever they want to, soldiers round us up as though we were criminals instead of victims of oppression and exploitation by the finca bosses. Some comrades have been mistreated and brutally tortured by soldiers and finca officials for the mere 'offence' of defending their dignity and the dignity of their comrades. Any campesino who stands up for his rights receives the same threat: 'before long we'll put you in prison'. Will this situation change with the new labour act?

These, Sir, are our questions and doubts. We transmit them to you as Guatemalan citizens who are striving to create a free fatherland and as members of the Comité de Unidad Campesina (CUC) via which we are fighting for our legitimate right to work, for our organization and for land for all agricultural workers.

The lamentable experience we have had under the existing, hard circumstances has shown us that the present labour act has not offered us any single solution for dealing with the distress from which we suffered most. At the moment we are wondering how the new act can meet the just expectations of the workers if we are not involved in the drafting of that act. We therefore transmit these remarks to you. At the same time, however, it is clear to us that the ultimate reasons which justify our questions are the rights of the exploited and oppressed agricultural labourers, which demand that justice be done.

A rural area somewhere in Guatemala,
October 1979

Human rights

'In Guatemala there are no political prisoners - they are all dead', so goes a sick joke. The many testimonies published by Amnesty International of people who have either been the victims, or the witnesses (or both) of torture and execution are, for a Western European, almost too horrible to be regarded as real. Alas, there are just so many stories about the reality in which the people of Guatemala are forced to live.

Amnesty International, as this organization writes, considers the disappearance of political opponents, organized or tolerated by governments, and political killing, the violation of the ultimate right to life, to be two of the most serious human rights violations of our times. In Guatemala both these abuses are all too common. 'Disappearance' may be defined as the forcible abduction of real or supposed political opponents with the compliance or active support of government and with no ransom motive. Disappearance is frequently followed by torture and mutilation and often ends in death. Political killing, whereby real or supposed political opponents are killed by official security forces or other groups, avoids controversial trials and long imprisonment. Both forms of repression have been practised in Guatemala for many years. Indeed, observers generally agree that 'disappearance' first developed in Guatemala in the 1960s when death squads were first formed to combat guerrillas. After the insurgent groups were crushed to a large extent in the late 1960s, the death squads continued to operate, abducting and assassinating opposition leaders and their sympathisers and sometimes killing at random for the purpose of general intimidation.

The death squads

The death squads, well-armed, well-disciplined groups incorporating police and military personnel have since spread through Latin America and into parts of Asia and Africa. The common factor in their operations is the use of terror to control dissent; they murder individuals, but threaten entire populations. Murder, torture, mutilation and the concomitant lurid publicity multiply the effect of individual acts to create a climate of terror. Some Guatemalan newspapers

specialize in the publication of photographs of horribly mutilated death squad victims. They argue that they provide in this way a service to families who are searching for missing relatives. The squads aim at paralysing real or potential opposition and dissent both through the elimination of leaders and the generalized threat of 'disappearance', torture and violent death. In Guatemala, the threat is continually restated by the appearance of the bodies of the 'disappeared' in ravines and empty lots in urban areas, along country roads, and in clandestine cemeteries in the countryside. The Guatemalan press over the years has also reported that uniformed military and security personnel have carried out kidnappings and political killings. Amnesty International describes how in one incident Yolanda Urizar Aguilar, 16, and Freddy Valiente, 17, were arrested on 15 November in the Torre de los Tribunales, the Department of Justice, the very heart of the Guatemala legal system, where they were protesting against the death in detention of trade unionist Miguel Angel Archilla two days earlier. Both were bound, blindfolded and driven to the headquarters of the judicial police where they were hooded, kicked and beaten with iron bars encased in rubber, so as to leave no marks, for seven hours. Yolanda was reportedly raped by up to 20 police agents before up to 40 writs of habeas corpus lodged on her behalf were finally successful. She was transferred to a centre for the observation and rehabilitation of juvenile offenders and held for some weeks before being released. A forensic medical examination verifies the sexual abuses which she had undergone and revealed that her blindfold had been so tightly tied that a small bone in the cartilage of her nose has been broken!

This is just one example of the many in Guatemala reported by Amnesty International in a 'calendar of violations' in what was referred to as Human Rights Year (29 May 1978 - 29 May 1979). Amnesty International came to the following conclusions: 'The violations are not isolated incidents, the fact that death squads have repeatedly acted with information which it seems can only come from official sources and the fact that none of the murders of opposition movement leaders and activists which we have brought to your attention or are included in our appendix has been officially resolved, suggest a policy of government compliance, if not complicity with the authors of those acts'.

In so far as reported violations are concerned, the US State Department report¹ largely concurs with these findings:

Respect for the Integrity of the Person, including Freedom from:

a. Torture

Torture of prisoners has been commonly reported throughout Guatemalan history, despite the constitutional prohibition against physical abuse of the person. There are reports alleging that security forces personnel have engaged in torture or other arbitrary and unjust treatment, and some of the allegations seem to have basis in fact. The Government claims it neither authorizes nor condones torture. There is no indication that persons allegedly involved in torture have been disciplined.

b. Cruel, Inhuman or Degrading Treatment or Punishment

Such treatment and punishment are legally prohibited. Abuses nevertheless occur. There have been a number of unexplained deaths of criminal repeaters, which tends to confirm reports of a 'death squad', although the Government denies police involvement in such activities. In rural areas, there are frequent accusations of political and personal violence committed by private parties, the local military and civil authorities, and by Marxist and militant rightist terrorists. There were few prosecutions by the Government as a result of such charges.

c. Freedom of Speech, Press, Religion and Assembly

Officially, there is freedom of speech, press and worship, although fear of retaliation including violence sometimes inhibits freedom of expression. Church-related groups and the Government clash occasionally when foreign missionaries are accused of meddling in domestic politics, or of becoming active in organizing or counselling peasant groups in ways the Government believes challenge its authority. Newspapers and the broadcasting media frequently criticize government officials and policies without censorship or retaliation. The murder in November of a news reporter by unknown assailants elicited a strong condemnation by the Guatemalan Government and Congress. The Government announced that it would initiate an exhaustive investigation. The status of this investigation had not been

¹ Country Reports on Human Rights Practices for 1979

made public by the end of the year. In the academic community some students and professors have complained of the intolerance by Marxist elements, particularly at the National University, who interfere with the academic freedom of others. Political protest demonstrations and parades are regulated by the Ministry of the Interior, which generally issues permits when legal criteria are met. The Government has enforced the permit policy rigorously, dispersing demonstrations which lack prior authorization. Principal protest demonstrations authorized in 1979 were the University student parody parade and the 1 May Labour Day parade. In November the democratic left opposition party (FUR) requested and received permission for a demonstration which transpired without incident.

d. Freedom to Participate in the Political Process

For the past two decades, Guatemalan politics have been dominated by the military within a constitutional framework providing for regular elections and civilian control below the top level. Opposition parties contest elections, hold rallies, have access to the media and hold seats in the national and municipal assemblies. Open and hard-fought elections in 1978 transferred power to a new administration, though the military retained its traditional primacy. Nominated by civilian political parties, two of the three candidates were military officers and the third was a retired officer. The new Government has authorized four additional parties, the first ones since 1968. This action was marred by the assassinations of two major opposition political leaders, one from an authorized party (Manuel Colom Argueta, former mayor of Guatemala City, and leader of the FUR party when assassinated on 22 March 1979) and the other from a party still awaiting legal inscription (Alberto Fuentes Mohr, former Foreign Minister, and leader of the Social Democratic Party when assassinated on 25 January 1979). Groups awaiting certification, in accordance with constitutional provisions pertaining to political parties (Chapter 5 of the Constitution), are permitted to function as parties in most respects other than formally presenting candidates in national elections. The Constitution bans the Communist Party.

The 1978 Presidential elections were marred by fraud charges on all sides, but apparently to a significantly lesser degree than in 1974. Since no candidate received the necessary majority, the Congress selected the President as the Constitution provides. After certifying its tally, the Congress chose the candidate (General Lucas) with the highest recorded popular vote (42%). Votes recorded for the three candidates amounted to about 35% of the registered electorate. Eight political parties intend to contest the 1980 municipal elections. Several of these parties have expressed concern over past election fraud and are seeking assurances that the municipal elections will be conducted fairly.

Vaky refers to the Castro marxists and other extreme groups which had used the legitimate aspirations of the people and the unstable situation in order to achieve and justify their own ends. He reproached these groups for using the status quo to distort things and for concentrating on revolt instead of giving attention to the real problems. To contribute in a peaceful, democratic and moderate manner, he stated, towards finding a solution was the best defence against these extremist groups. You could not do Communism a better service than obstinately to defend the existing situation and to resist changes. In the case of Guatemala, Vaky pointed out that neither the peasant farmers nor the workers had been able to benefit from the growth in agriculture and industry. As major causes of the unstable situation and the political violence in the country the report referred to the dire poverty and the failure to carry through necessary agricultural reform. Vaky pointed out that marked contrasts existed within Guatemalan society. Violence was institutionalized, human rights were being violated and the trade union movement was weak. The guerillas too were weak. According to Vaky the guerillas were isolated from the Indian population in the rural areas and had been defeated in the towns and were of little consequence there. His recommendation for United States policy towards Guatemala was as follows: 'We do not foresee a crisis in the coming months, although we do recognize that in the longer term the country will be facing acute and fundamental problems of a socio-economic and political nature. We will recommend that the government of Guatemala:

- work for a more open election system,
- make a real attempt to put an end to political violence, which has mushroomed,
- strive for constructive cooperation with the other Central American countries'.

This analysis of the problems, particularly insofar as the role of the 'extremist' groups is concerned, will certainly not be endorsed by all the Members of the European Parliament. What really matters, however, is that the proposed pressure should be exerted on the government of Guatemala. The Community countries should seriously try harder than they have so far to help.

Vigilance on the part of the Community is certainly necessary here. It would be advisable for the Nine to repeat its protest after every new murder that is publicized. As Amnesty International states in one of its reports¹:

'Public awareness can make a difference. In October 1978, at a time of great public awareness and mobilization, three trade union leaders were located in custody and released, in what some Guatemalans have referred to as the 'first successful applications for habeas corpus in living memory'. Similarly in August 1979, after a national and international outcry on their behalf, banana plantation workers Manuel Enrique Mejia, Victor Rivas Paez and Dan Velasquez Duarte were found tied to trees, tortured, but alive, a week after they had disappeared.

Many whom the delegation met asked them to be sure to 'tell the outside world that they were continuing the struggle for human rights in Guatemala.' Others, however, expressed much more basic requests. When asked by our delegation how international human rights organizations could help, representatives of peasant organizations simply said, 'just please ask them to stop killing the people'.

¹ Amnesty International - OAS Testimony
Disappearance and Political Killing in Guatemala
(AMR 34/48/79)

MOTION FOR A RESOLUTION (Doc. 1-530/79)

tabled by Mr Schmid, Mr Vetter, Mr van Minnen, Mr Michel, Mr von Hassel, Mr Penders, Mr Nord, Mr Pelikan, Mr Hänsch, Mr Schinzel, Mrs Wieczorek-Zeul, Mr Irmer, Mr Schieler and Mrs Weber

Pursuant to Rule 25 of the Rules of Procedure

on the safeguarding of human rights in Guatemala

The European Parliament,

- concerned at the increasing frequency of violent attacks on leading opposition figures in Guatemala,
 - appalled by the murder of leading opposition figures such as Alberto Fuentes Mohr and Manuel Colom Argueta, and at the failure to apprehend their murderers,
 - anxious to see democracy and respect for human rights established in Guatemala as soon as possible,
1. Urges the Commission, the Council and the governments of the Member States to support UNCTAD, the WFTU, the Socialist International and the Christian Democratic World Union in demanding that the Guatemalan authorities bring the murderers to justice;
 2. Calls upon them to make vigorous representations to the Guatemalan Government with a view to ending the murder, persecution, torture and kidnapping of people who do not agree with the government;
 3. Urges the governments of the Member States to suspend all economic and military aid until the above-mentioned principles are respected;
 4. Instructs its President to forward this resolution to the Commission and Council.

MOTION FOR A RESOLUTION

tabled by Mr COPPIETERS

pursuant to Rule 25 of the Rules of Procedure

on the increasing terror, kidnappings and
savage murders perpetrated on missionaries and
development assistants in Guatemala

The European Parliament

- considering that both within the framework of development cooperation and on the initiative of churches and religious associations numerous development assistants and missionaries from various Member States are, with unlimited idealism, endeavouring to improve the lot of the people of Guatemala,
 - noting that their profound dedication is naturally directed primarily at helping the exploited rural population which is being crushed by the feudal oligarchy of big landowners,
 - having regard to the ever longer 'death lists' of extreme right wing death commandos,
 - considering that the disappearance without trace on 1 May last of the Philippine priest, Conrado de la Cruz was a further step in the ruthless escalation of terror, violence and murder in which in 1979 alone 1,371 social workers, agriculturalists, students and intellectuals met with violent deaths in Guatemala,
 - noting that since 1 May over 40 people, many of whose mutilated bodies have since been found, have been kidnapped in the Republic of Guatemala,
 - profoundly shocked by the report that on 12 May last Father Walter Voordeckers was shot dead in front of his home in Santa Lucia Cotzumalguapa as the next victim on the 'death list',
 - considering that the death commandos are clearly able to 'operate' with impunity,
1. Requests its President, the Commission and the Council to inform the Government of the Guatemalan Republic of its profound horror at and condemnation of the wave of terror and massacre of socially aware Guatemalans, development assistants and missionaries;
 2. Appeals to the governments of the Member States to make use of all international contacts to arrive at effective, coordinated action to combat the violence, the scandalous violation of the most elementary human rights and the outrageous social injustices in Guatemala;
 3. Requests its President to forward this resolution to the Commission and Council.